[Mr. K. N. Ramasubba Aiyar.]

balance of Rs 205·65 lakhs. I have already referred to the sinking fund accumulations for discharging our obligations for the Shencottah-Quilon Railway line. There is another special sinking fund which we started for discharging our Debenture Loan of 1091. The loan money raised was B. Rs 14·49 lakhs and the sinking fund accumulation stands at Rs 5·24 lakhs as at the close of the current year. It will be seen that we hold specially ear-marked securities against these sinking fund balances, which are quite apart from the securities which form part of our surplus investments.

28. The steady rise in our savings bank deposits which stood at Rs 54 lakhs at the close of the last year and which are expected to go up to Rs 62 and 68 lakhs at the close of the current year and next year respectively, is a welcome sign. The interest payable on these savings bank deposits is more than covered by the interest earnings on our investments of surplus cash balances, in fixed deposits and Government of India securities.

29. I have stated that the Government Account will close in the next year with a balance of Rs 116·69 lakhs which may be considered a satisfactory figure.

CONCLUSION.

30. I have now to request members to give their careful consideration to the Budget which is before the House.

LEGISLATION.

THE HACKNEY CARRIAGE REGULATION AMENDING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Hackney Carriage Regulation, VI of 1089. The Bill has been published in the Gazette with the statement of objects and reasons and I beg to move that the Bill be read in Council.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the Hackney Carriage Regulation was passed with a view to control and license the hackney carriages as well as their drivers. Under the provisions in the Regulation and the bye-laws passed there under, when a hackney carriage is licensed, a number-plate has to be affixed to the carriage to show the register number of the carriage and, when a driver is licensed, he has to be given a driver's badge. Further, under the bye-laws, a fare-plate showing the authorised fares for the carriages from one place to another has also to be affixed in the carriages themselves. These three things, *viz.*, the number-plates, the drivers' badges and the fare-plates cost some money to the Government

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The Regulation does not expressly provide for the realisation of the cost of these plates from the owners of the hackney carriages. This Bill is introduced with a view to enable the Government to realise the cost of these plates, which is estimated to be seven Chackrams each on an average, from the parties to whom these are granted. This is the principle of the Bill in brief.

Coming to certain details, I may bring to the notice of the Council that Section 14 of the Regulation authorises the numbering of hackney carriages and I shall read that Section for the information of the House:—

14. (1) Upon the registration of any hackney carriage, the Registering Officer shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the license, the owners of the carriage shall be bound to produce it before the Registering Officer and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owners of the carriage shall be bound to apply to the Registering Officer to have a new plate affixed. The charge for such painting or new plate shall be seven chackrams.

I am not quite sure whether the above provision was not intended to apply to the plates first supplied as well as to the plates that may be supplied afterwards. However, the cost of the plate will be about seven Chackrams, and the amendment that I propose to make in regard to this Section is practically to transfer the last sentence of Sub-section (2) into a new Sub-section so that the provision relating to the levy of seven Chackrams may apply to the plates originally issued, as well as to those issued afterwards.

In regard to the drivers' badges, Section 23 says:—

(1) The Registering Officer shall, at the time of granting a license to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his license.

* * *

And later on, Sub-section (4) says:—

(4) Whenever the number on any badge becomes indistinct or is obliteratad during the term of the license, and also whenever any badge is lost or stolen, the person to whom the license relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such license to the Registering Officer and such person shall then be entitled to have a new license and badge delivered to him upon payment of half the fee mentioned in Section 18. Such new license shall be in force for the year of registration.

* * *

Here also, it will be noticed that nothing is mentioned as to the cost of the badge to be supplied to the driver. Under the Regulation a doubt has arisen as to whether the badge should be supplied at the cost of the Government or not.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it obligatory that the driver should have the badge?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes ; if not, he may be punished.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Suppose the driver finds it inconvenient to drive and one of the passengers has to drive the carriage ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No passenger can drive a hackney carriage.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Suppose the driver happens to be too tipsy. In that case, one of the passengers will have to take his place.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Court may deal with such exceptional cases leniently.

Then, what Section 30 says is this:—

(1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the Registering Officer, with the sanction of Our Govevnment duly notified.

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding.

In bye-law 18, it is laid down —

An abstract of the fares printed on enamelled plates shall be affixed under the orders of the Registering Officer in a conspicuous place in each hackney carriage after such carriage has been licensed]

So, a fare-plate has to be affixed to each carriage when it is licensed. But nothing is mentioned as to the cost of the plate and from whom it has to be recovered. If this Section is construed literally, it would mean that the Government have to pay for these plates. It is only reasonable and proper that when any department of Government is called upon to do any service to any party, the Government should get the value of the service rendered. The plates do cost some money, which is not negligable, and I hope the House will accept the principle of the Bill.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : What will be the revenue to the Government on this account ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It cannot be called revenue. The Government will be losing about Rs. 500 every year if the plates and badges are not charged for.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Is it necessary to charge the people for this petty amount ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is only right that the Government should not be losers.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Can it not be construed that since the first registration fee of seven Chackrams is paid, the other things should be supplied by the Government at their cost ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If it is construed literally, it may mean so.

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MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What is the actual practice now obtaining?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Till some time ago, the license fee was being realised from the people as well as the cost of the plate. But it appeared to the Government that the realisation of the cost may not be strictly legal. But, in practice, a contractor was asked to supply these plates, etc., and the owners of hackney carriages were asked to purchase these plates from the contractors.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Are these plates given to these people before the cost is realised?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The plates are as a matter of fact sold to them.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If these plates are being sold now, why do you want a Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But it is not strictly legal.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is he obliged to affix the plate before giving the money?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether this Bill was brought in on the initiative of the Government or on the recommendation of the Police Commissioner after experience in administering the law for some time?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is on his recommendation that this Bill has been prepared.

PRESIDENT: May I take it that the House accepts the principle of the Bill?

The motion was carried.

The Secretary to the Legislative Council then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee consisting of Messrs. M. N. Pillai, Kurandipallil R. Raman Pillai, K. I. Joseph, W. H. Pitt, K. K. Thomas and myself.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I beg to second the motion.

The motion was carried.

PRESIDENT: Mr. Pitt will be the Chairman of the Select Committee. The committee will submit its report within one month.

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